



04-06-01

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#3

MCDERMOTT, WILL & EMERY

April 3, 2001

BOX: NON-FEE AMENDMENT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RE: Response to Notice to File Corrected Application Papers  
Applicant: Karl M. Bizjak  
Serial No: 09/727,259  
Filed: November 29, 2000  
Our file: 51992-002

Dear Sir/Madam:

Applicant herewith responds to the Notice to File Corrected Application Papers mailed February 5, 2001, by submitting the following documents:

1. Copy of Notice to File Corrected Application Papers;
2. Preliminary Amendment;
3. Version With Markings to Show Changes Made;
4. Express Mail Label No:EE159256644US
5. Transmittal letter; and
6. Return postcard.

The Assistant Commissioner is hereby and directed to charge any applicable fees and/or credit any overpayment to deposit account no. 50-0385.

Very truly yours,

James E. Eakin  
Reg. No. 27,874  
JEE:bem  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/727,259	11/29/2000	Karl M. Bizjak	51992-004

CONFIRMATION NO. 5489

## FORMALITIES LETTER



\*OC00000005734891\*

James E. Eakin  
McDermott, Will & Emery  
2700 Sand Hill Road  
Menlo Park, CA 94025

Date Mailed: 02/05/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1F** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.



III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e.,

the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

   
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/726,982	11/29/2000	Karl M. Bizjak	51992-002

CONFIRMATION NO. 5176

## FORMALITIES LETTER



\*OC00000005737018\*

James E. Eakin  
McDermott, Will & Emery  
2700 Sand Hills Road  
Menlo Park, CA 94025

Date Mailed: 02/06/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

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The required item(s) identified below must be timely submitted to avoid abandonment:

- ①
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

② The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1F** and **43B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and ~~\$130.00~~ petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e.,

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*A copy of this notice **MUST** be returned with the reply.*

*Nikki Luangvitham*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



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ADDRESSEE (POSTAL USE ONLY)

FROM: <i>Patent</i> MCDERMOTT WILE & EMERY 2700 SAND HILL RD MENLO PARK CA 94025-7020	TO: <i>Patent</i> Washington D.C. 20231-0001 Box New APD
PHONE: <i>650 321-1001</i>	PHONE: _____
Signature: _____	Signature: _____

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Applicant: Bizjak, A.

Docket No. 51992 - 002

Title Mark: Variable Alkyl Relax...

Serial/Reg./Patent No. 4413333 894545

Date Sent: 11/29/00

☐ Hand Carried ☐ 1st-Class Mail ☐ Cert. of Mailing ☒ Express Mail No. 4413333 894545

☒ Transmittal Letter

☐ Utility/Design/Continuation/CIP/FWC/Divisional/PCT

☒ Other: Variable Alkyl Relax...

149 pages of Specification

157 pages of Abstract

☐ Information Disclosure Statement

157 pages of Formal/Informal Drawings

157 copies of cited references

☐ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Verified Statement of Issue Fee: Form PTO 85b

☐ Maintenance Fee for 1 years after grant

☐ Notice of Appeal ☐ Appeal Brief

☐ Recordation of Patent Trademark: Assignments/Security Agreements/

☐ Response/Amendment to Office Action of Patent Trademark: Assignments/Security Agreements/

Other: Check #1029 for \$435 -

Check for \$                     

☐ Total Deposit Account charge for \$                     

☐ CHI ☐ WASH

Attorney: 4413333 894545

CLO2 Descrpt:                     

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

JCE13 U.S. PTO  
09/17/2002  
11/29/00